

**Terry Rambler, Chairman, San Carlos Apache Tribe  
House Interior and Related Agencies Appropriations Subcommittee (2/12/2020)**

My name is Terry Rambler, and I am honored to serve as Chairman of the San Carlos Apache Tribe (Tribe), representing 16,500 enrolled members, on the San Carlos Apache Reservation (Reservation) in rural southeast Arizona. The U.S. entered into the ratified Apache Treaty of Santa Fe in 1852 to end hostilities. The original Reservation boundaries were established by President Grant on Nov. 9, 1871. The current Reservation boundaries span 1.8 million acres. The U.S. Calvary, through brutal military campaigns, forcibly removed Apache bands to the Reservation in the latter half of the 1800's, including the Coyoteros, Mimbrenos, Mongollon, Aravaipa, Yavapai, San Carlos, Chiricahua, Warm Springs, and Tonto Apaches. Famous Apache leaders who were located at San Carlos included Geronimo, Cochise, Loco, Eskiminzin, Nachie, Chatto, and others. We are deeply connected to our traditions and the land that we have called home since we were first put here.

My testimony today focuses on the following: (1) the need for BIA to replace its law enforcement facility, Building 86, which it condemned on the Reservation in 2009; (2) the need for increased BIA funding for tribal law enforcement and justice; (3) the need for increased funding for juvenile detention education and the need for an MOU between BIA and IHS to jointly work to address health care needs of tribal detainees; and (4) the need for Congress in FY21 Interior appropriations legislation to ensure that IHS is permitted to proceed with demolition of its vacated Hospital on the Reservation, which presents health, safety and environmental hazards, without imposing the unrealistic \$500,000 demolition cap contained in the final 2020 Consolidated Appropriations Act.

**Need for BIA to Replace Building 86.** Last year, I testified that the BIA, over 11 years ago, condemned Building 86 on the Reservation without providing an adequate replacement facility. It is unacceptable that the BIA has not replaced Building 86 in violation of its treaty responsibilities and given the gravity of the work that our law enforcement personnel perform involving life and death situations. Replacement construction for Building 86, which the BIA condemned in 2009, remains our highest priority.

Our committed law enforcement personnel risk their lives on a daily basis to provide law and order on our Reservation, but no justice system can function properly without a safe and secure facility to house our dedicated public safety personnel. For example, the San Carlos Apache Police Department (SCAPD), which has a 638 contract with BIA, in FY19 received 53,974 calls to the dispatch center, resulting in 31,543 calls for service with 2,731 criminal arrests. Officers in FY19 patrolled a total of 323,654 miles on the Reservation, 58 miles of highways and 108 miles of BIA routes. SCAPD also supervises the Tribal Security department and patrolled 69,642 miles with assignments to all Tribal buildings, district water pump stations, ceremonial dances, community events and many other events to assist sworn personnel. Drug evidence sent to the Arizona crime lab for scientific analysis totaled 193 cases in FY19, up from 129 last year. SCAPD personnel work 12-hour shifts and overtime on a constant basis. Response times to calls for service average one hour due to our limited staffing and long distances that officers must travel, often alone, on our vast rural Reservation. Our law enforcement personnel regularly endure extreme situations and these situations are significantly exacerbated by the lack of an adequate public safety facility.

In the 1970's, the BIA constructed Building 86 to house our police department, tribal courts, prosecutors, public defenders, domestic violence advocates, and evidence room on the Reservation. The BIA sited the facility in a flood plain, and Building 86 suffered repeated damage during heavy summer monsoon rains. However, the BIA—as owner of the facility—failed to properly maintain the building, which over time posed significant safety and health risks to our public safety and justice personnel.

In 2009, the BIA abruptly notified the Tribe that Building 86 was condemned for failure to meet safety and health requirements and building codes and standards and ordered all occupants to vacate the building even though it knew that there was no other building on the Reservation that could adequately house the Tribe's law enforcement services. The BIA later told the Tribe that its 638-contracted police officers and tribal court personnel could stay in the building while relocating BIA criminal investigators into another BIA-owned building that was not offered to Tribal police and court officials. Our police department and tribal court personnel continued to work in the condemned building for six years—often without electricity and AC (in the up to 120-degree summers)—until the BIA moved our police and courts into temporary modulares in 2015 with a promise to permanently replace the facility.

While the modulares provided a slight improvement at the time, they are simply not safe or secure to serve the public safety functions of law enforcement investigations and court proceedings and the administration of both critically important governmental functions. Nearly 5 years after moving to the modulares, the structure has rapidly deteriorated: the Chief of Police works in an office with a crack in his wall where he can see the outside; the generator routinely malfunctions and does not provide AC throughout the unit; water and sewer service is intermittent; it lacks space for evidence storage; the floors do not securely support storage safes that include cash, drugs, and other evidence; the BIA maintains the building only once a week; and, there is not enough parking for our justice officials and the many visitors to the structure.

Rep. Tom O'Halleran visited the modulares in August 2018. During the visit, his staff needed to use the restroom, but the water was out. We had portable toilets behind the modulares, but the 120-degree heat that day made them unbearable. The smell of sewage was palpable as he crossed the stained carpets near the broken restrooms. Later during his visit, in the midst of his discussion with our Chief Judge, the power went out, and we had to complete our meeting using phone flashlights. This unfortunately is not unique, but instead is a near daily occurrence.

We appreciate the Subcommittee's efforts to ensure that the FY20 appropriations package contained \$25.5 million for the BIA Public Safety and Justice (PSJ) Construction and Facilities Replacement Program. The funding built upon the \$18 million appropriated in FY18 and FY19 for this sorely needed program.<sup>1</sup>

In FY18 and FY19, the BIA refused to allocate any of the PSJ construction funding to non-corrections facilities. In the FY20 appropriations package, Congress directed BIA to submit a report on **all** its law enforcement buildings in poor condition, such as BIA's condemned Building 86.

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<sup>1</sup> Prior to FY18, there was no funding for this critical need since the 2009 ARRA. With the exception of the 2009 ARRA, BIA has not received funding for new public safety/justice construction since FY2000.

The Joint Explanatory Statement for “Division D – Department of the Interior, 2020,” at pages 32-33 states: “The agreement directs BIA to submit the report describing the facilities investments required to improve the direct service and Tribally operated detention **and** public safety facilities in Indian country that are in poor condition, including cost estimates, as provided in Division B of H.R. 3055, as passed by the Senate on Oct. 31, 2019.” (emphasis added).

Further, the Senate Appropriations Committee highlighted the need for Building 86 to be replaced when it stated in its committee report:

The Committee understands the demand for public safety and construction funding remains high and the backlog to replace these facilities has grown exponentially. The Committee is aware there are many **condemned** facilities across the country including the Hopi, White Mountain Apache, and **San Carlos Apache detention and justice facilities**. For this reason, the Committee directs the Bureau to report back in 90 days after enactment of this act with a comprehensive list of condemned facilities that need to be replaced.... Senate Report 116-123, September 26, 2019, p. 60 (emphasis added).

We thank the House Appropriations Committee for emphasizing the need to replace all dilapidated public safety and justice facilities in its committee report, stating:

Eligible Facilities.—The Committee has heard from tribes that Indian Affairs considers funding made available for facility replacement/new construction for public safety and justice facilities as only available for detention facilities. The Committee directs Indian Affairs to consider **all** public safety and justice facilities as eligible for funding under this program and to include such facilities in the master plan that the Committee has directed Indian Affairs to maintain. The Committee directs Indian Affairs to provide the master plan to the Committee within 90 days of enactment of this Act. House Report 116, June 3, 2019, p 61-62. (emphasis added).

The BIA has indicated that the agency is gathering information and reviewing options relating to the FY20 PSJ replacement construction funding. We continue to reach out to the BIA in hopes that it will allocate a portion of the \$25.5 million in FY20 to replace Building 86, 11 years after the agency condemned the facility. We seek your assistance to help ensure this happens.

For FY21, we urge you to increase replacement PSJ construction to \$30 million. We further respectfully request that the Subcommittee consider including the following language in its committee report:

“Eligible Facilities.—The Committee again directs Indian Affairs to allocate funding for the public safety and justice facility replacement/new construction to all public safety and justice facilities, including facilities that house tribal police and courts. The Committee is aware there are many condemned **public safety** facilities across the country, and we direct Indian Affairs to replace these condemned facilities, including Building 86. The Committee further directs Indian Affairs to include such facilities in the master plan that the Committee has directed Indian Affairs to maintain. The Committee directs Indian Affairs to provide the master plan to the Committee within 90 days of enactment of this Act.”

**Need to Increase Funding for BIA PSJ Operations.** We thank the Committee for providing \$434.326 million for BIA PSJ programs. We respectfully request that the Committee consider increasing this funding in FY21. The volume of public safety needs on the Reservation increases

every year as we face countless rising costs with limited personnel. Some of the challenges we face are discussed above on page 1. One bright spot was SCAPD was able to hire 3 new police officers certified with the state of Arizona this past year who bring extensive knowledge and experience that will benefit our community. Unfortunately, there is now a \$15,000 per cadet fee that the Southern Arizona Law Enforcement Training Center (SALETC) is now assessing for its 18-week basic police academy. This training is required under our 638 contract with BIA. SCAPD does not have the funds to cover these significant fees and is looking for other programs to train our officers.

**Education of Native Youth in Custody and Health Care for All Inmates.** Our Tribe is fortunate to have a BIA-funded adult and juvenile detention and rehabilitation center that serves at-risk youth. Through a funding agreement with the neighboring town, we provide classroom instruction for our most at-risk youth. Working on a shoestring budget, we have significantly reduced recidivism among our juveniles. We receive consistent positive reports back from families of youth that leave our center. We thank the Committee for supporting tribal juvenile detention education with \$500,000 in FY20. These limited funds greatly assist in helping heal at-risk Native youth. We have submitted a request to BIA for this funding. We ask the Committee to consider increasing this funding in FY21, mandating flexibility with other programs so that resources can be pooled to improve services for tribal detention juveniles. We further urge the inclusion of report language to allow for the use of BIA corrections and IHS funding for *all* health needs in tribal detention facilities for adults and juveniles and direct the BIA and IHS to enter an MOU for the provision of health care at tribal detention facilities.

**Need for Demolition of Antiquated, Vacated IHS Hospital on Reservation.** The Tribe worked tirelessly with IHS to replace its hospital built in 1962. Finally, after 30 years, IHS opened the San Carlos Apache Healthcare Corporation in 2015. The facility, operated by the Tribe under a 638 contract, serves approximately 14,000 American Indians residing in our service delivery area, which includes parts of Cochise, Gila, Graham, and Greenlee counties. Throughout our efforts to secure a replacement IHS health care facility, we regularly discussed with IHS the need for IHS to demolish/dispose of various buildings comprising its old IHS hospital compound (Old Hospital), which poses safety, health, and environmental hazards. The Tribe seeks to use this site for other essential purposes given it is centrally located on the Reservation. The Old Hospital is located across the street from the Mitchell Hoffman Tribal Administration Building and the Tribe's Elders Center and near the San Carlos Apache Tribal College. The Tribe has designated this site as the location for the BIA replacement law enforcement facility discussed above. IHS estimates that the cost for demolition for the Old Hospital is @\$1.2 million and that it has the funding to demolish the Old Hospital.

The FY20 House Interior appropriations bill passed on June 25, 2019, and the FY20 Senate Interior appropriations bill passed on October 31, 2019, did not contain any restrictions that would have barred demolition of the Old Hospital. However, the 2020 Consolidated Appropriations Act, P.L. 116-94, contained a sentence stating "that not to exceed \$500,000 may be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings." \$500,000 is an unrealistic cap that is barring IHS from demolishing the Old Hospital and other vacated facilities in Indian Country.

We request that the Committee support IHS's efforts to demolish the Old Hospital and further request that the Committee work to ensure that any language that would impede demolition of the Old Hospital does not make its way into the final FY21 Interior appropriations bill.